
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ROBERT GRANT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FORMATION OF ZIP LINE COURSE AT LAND 220M NORTH WEST OF DELFOUR HATCHERY, ALVIE, KINCRAIG

REFERENCE: 11/186/CP

APPLICANT: G2 OUTDOOR LTD

DATE CALLED-IN: 24 JUNE 2011

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

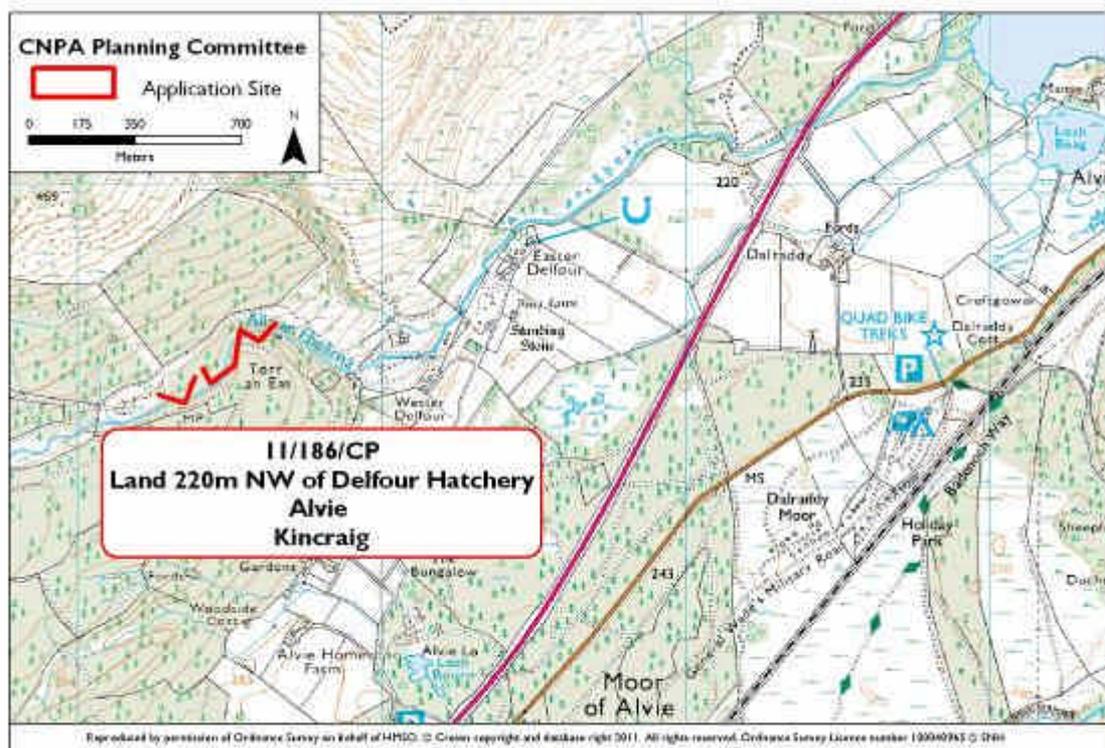


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application site is located in an upland wood within the Alvie Estate, Kinncraig. It comprises an area of mature Scots Pine on either side of the steep banks of the Allt Na Fhearna burn. Access tracks are located to the immediate north and south, while the remainder of the immediate area is covered in plantation.

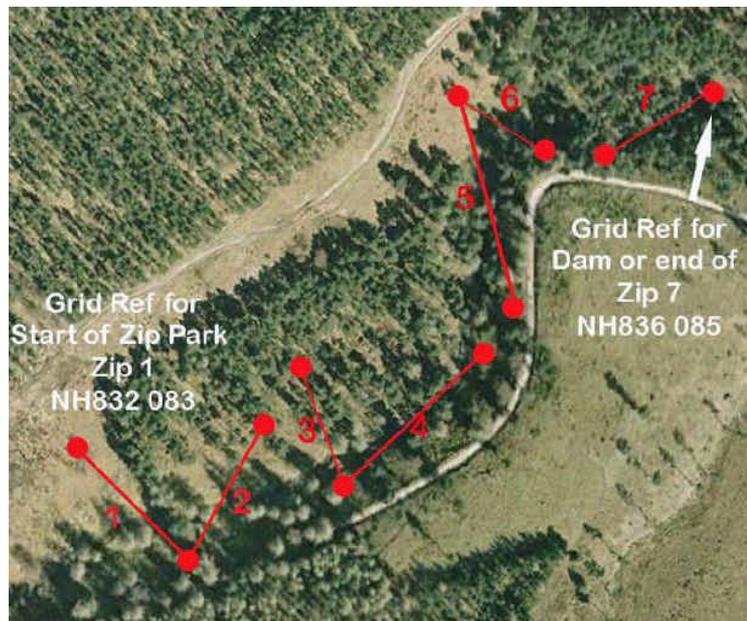


Fig. 2 – Zip line locations



Fig. 3&4 – Platform and fixing point / Steel zip wire

2. Planning permission (partly retrospective) is sought to erect a zip slide course throughout the mature woodland, starting at the top of a hill and using several sections (7no.) of zip wire 'crisscrossing' the burn to eventually end near an existing dam. Various wooden platforms and fixing brackets are to be constructed within the trees at various heights and cable wires strung from mature trees. No trees are to be felled as part of the proposed works, with some limited crowning required only. Access would be provided by the adjacent estate tracks. Clients will meet at the applicant's base at Dalfaber, Aviemore then be transported to and from the site by mini-bus.



Fig. 5 & 6 – Tree fixings & part of area of course

Background

3. The application is accompanied by supporting information confirming that no heavy machinery would be used in the construction of the course and that a series of platforms would be constructed from natural timber to allow access to the slides and to protect the root systems of trees from significant compaction. It also confirms that works to fix the steel wires would be done sensitively to protect the trees from damage.
4. A squirrel survey and tree condition report have also been submitted. The survey confirms that there are no squirrel dreys located within the areas to be affected by the course.

DEVELOPMENT PLAN CONTEXT

5. Part 2, Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010.

National policy

6. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.

¹ February 2010

7. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include Open Space and Physical Activity, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
10. Open Space and Physical Activity: Para. 148 of the **SPP** states that access to opportunities for recreation make important contributions to a healthier Scotland. The planning system has a role in helping to create an environment where physical wellbeing is improved and activity made easier.
11. Landscape and natural heritage: The **SPP** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
12. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning

permission may be refused solely on design grounds.² Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

Strategic Plan

Cairngorms National Park Plan (2007)

13. The **Cairngorms National Park Plan** sets out the strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. Under the broad heading of **Conserving and Enhancing the Park**, some of the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park. Under the theme of **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment.
14. Under the final theme of **Enjoying and Understanding the Park** there is recognition that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities. The vision for the Park involves developing a world class destination and this requires a sustainable approach to developing tourism, and an excellent quality provision of outdoor access and recreation opportunities.

Structure Plan

Highland Council Structure Plan 2001

15. The **Highland Structure Plan 2001** includes several policies that are broadly applicable to the type of development proposed, including policies on sport and recreation, tourism and the environment. The benefits of sport and recreation facilities are highlighted in section 2.5.1 of the Plan, where they are attributed to making an important contribution to sustainable development and enhancing the health and quality of life of the residents of the Highlands.
16. Section 2.7.1 of the Plan describes tourism as a vital element of the Highland economy, and notes that opportunities to participate in outdoor pursuits are amongst key visitor attractions. The Structure Plan strategy aims to build on the Highland identity and take a proactive approach to the wise use of the natural environment as a primary resource for tourism. One of the Plan’s strategic themes includes encouraging the “adoption of a proactive approach to the wise use of the natural environment”.
17. The Structure Plan notes that tourism makes major demands on infrastructure and facilities and also notes that there is scope for improvement in the quality and level of provision. **Policy T2 on Tourism Development** confirms Highland Council’s support for high quality tourism

² Para. 256.

development proposals, particularly those which extend the season, provide wet weather opportunities, spread economic benefits more widely and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

18. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at:
<http://www.cairngorms.co.uk/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
19. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
20. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
21. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
22. Policy 3 - Other Important Natural and Earth Heritage Sites and Interests: Development that would adversely affect an ancient woodland site, semi-natural ancient woodland site, Geological Conservation Review site, or other nationally, regionally or locally important site recognised by the planning authority will only be permitted where it has been demonstrated that:

- a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or
- b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost.
23. Policy 5 - Biodiversity: Development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact will only be permitted where:
- a) the developer can demonstrate to the satisfaction of the planning authority, that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and
- b) significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and/or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site. Where there is evidence to indicate that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a comprehensive survey of the area's natural environment to assess the effect of the development on it.
24. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
25. Policy 25 - Business Development: Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, is located within an allocated site identified on the proposals' maps, or where the following criteria are met:
- C Other business opportunities
- 1) supports the vitality and viability of a farm, croft or other businesses in a rural location; or
- 2) is complementary to that current rural business activity; or
- 3) promotes diversification within that business; or
- 4) creates new small scale development which supports the local economy.
26. Policy 33 - Tourism-Related Development: proposals, including those for tourism accommodation, which has a beneficial impact on the local economy will be

considered favourably if it does not have adverse impacts on the landscape, built and historical environments or the biodiversity of the National Park.

27. Policy 34 – Outdoor Access: the policy encourages development which improves opportunities for responsible outdoor access and adheres to the Cairngorms Outdoor Access Strategy. Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas) will only be permitted where an appropriate or improved alternative access solution can be secured.
28. Policy 35 - Sport and Recreation Facilities: I. Developments of formal sport and recreation facilities, diversification of, or extensions to existing sport and recreation-related business activities, or for the enhancement of existing facilities in terms of quality and design will be supported where:
 - a) they demonstrate best practice in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and
 - b) they will meet an identified community or visitor need.

CONSULTATIONS

29. **Kincraig & Vicinity Community Council** support this application and note that this sensitive development would enhance the economic activity of the National Park.
30. **SNH** confirms that they have no objections and no protected species or designations are likely to be affected.
31. **SEPA** confirms that they have no objections and the development would not affect the functional floodplain.
32. **Highland Council's Forestry Officer** has no objection but recommends a condition requiring wooden platforms to be installed to protect the root systems of all trees utilised by the zip wires.
33. The **CNPA Ecologist** has no objections.

REPRESENTATIONS

34. The application was advertised in the Badenoch & Strathspey Herald on 15 June 2011. No representations have been received in respect of this application.

APPRAISAL

35. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

36. The main issues to consider in this application relate to the nature of the proposal including its design, construction and any associated implications, particularly on natural heritage and also consideration of its contribution towards recreational facilities and business development in the area.
37. In terms of the principle of development, there is general support in planning policy contained within the Development Plan. The policies which have been detailed in paragraphs 6 to 26 of this report all generally encourage increased recreational opportunities and facilities in the National Park. It is particularly supportive of increased and enhanced business activity, which in this case, includes the diversification of Alvie Estates established facilities and the extension of a local outdoor activity operator's range of pursuits. The proposal has a positive impact on the local economy, complying with Policy 25 Business Development of the CNP Local Plan.
38. In general, the proposal would assist with more responsible outdoor access, ensuring safe and supervised activities, while bringing with it dedicated adventure pursuit facilities. This would accord with Policy 34 Outdoor Access and Policy 35 Sports and Recreation Facilities.
39. The proposed zip line course would be located unobtrusively and sensitively, utilising sympathetic fixtures and platforms to protect the areas around the trees located in an area designated as ancient woodland – a planning condition is recommended to ensure these raised structures are put in place around all affected trees and remain in place during the use of the course. The condition of the woodland has been highlighted in an accompanying report, a number of trees would require some limited 'crowning' only and the trees would benefit from a positive management scheme as a result of the development. The applicants have also submitted a squirrel survey and states that no dreys were found. The CNPA Ecologist is content that the impact of the zip line course on squirrels and other natural heritage interests would be limited. The zip course requires minimal physical development, which has in part been implemented, and has little impact on its surroundings. This accords with Policy 3 Other Interests, Policy 5 Biodiversity and Policy 6 Landscapes.
40. Overall, it is considered that the proposal is acceptable in terms of planning policy, design and impact on landscape and natural heritage. It would allow for further diversification of the Estate's activities, and increase the range of outdoor activities available in this popular part of the National Park, accordingly the application is recommended for approval subject to conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

41. The development is considered to have no implications for this aim; the proposal has no real landscape and natural heritage impact.

Promote Sustainable Use of Natural Resources

42. The timber would be sourced from the Estate's sawmill.

Promote Understanding and Enjoyment of the Area

43. The proposed zip slide course would increase adventure activity in the local area, directly contributing to the promotion of understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

44. The development would result in improved recreational facilities for locals and visitors and enhance the business activity of the area.

RECOMMENDATION

45. **That Members of the Committee GRANT Planning Permission for the Erection of a zip line course at land 220m North West Of Delfour Hatchery, Alvie, by Kincaig subject to the following conditions:-**

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

2. Notwithstanding the submitted drawings hereby approved, wooden boardwalks or platforms should be constructed around the base of all trees used for the zip slide course and any other areas of possible heavy footfall. These should be installed prior to the commencement of the use of the zip slide course, thereafter they should remain in place for the lifetime of the course. When the course is redundant from use, it should be removed in its entirety and the site made good within 6 months.

Reason: in the interests of safeguarding the root systems of the trees from any unnecessary compaction.

Robert Grant

15 July 2011

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.